

UNITED STATES DISTRICT COURT
 for the
DISTRICT OF MINNESOTA

PRESTON BYRON KNAPP)
)
)
<i>Plaintiff,</i>)
)
vs.) Cause No: 0:24-cv-00434-DWF-ECW
)
WINGS CREDIT UNION;)
AKA WINGS FINANCIAL CREDIT UNION.)
)
<i>Defendants.</i>)

**PLAINTIFF PRESTON BYRON KNAPP'S PRO SE MOTION FOR SANCTIONS AGAINST
 ATTORNEY TESSA MANSFIELD FOR MALICIOUS PROSECUTION, VIOLATION OF 15 U.S. CODE
 § 1, AND VIOLATIONS OF MINNESOTA PROFESSIONAL RULES OF CONDUCT 3.3 AND 3.4**

Preston Byron Knapp ("Plaintiff"), proceeding pro se and being a foreign national, respectfully submits this *Motion for Sanctions* against Attorney Mansfield for malicious prosecution, for conduct that violates *15 U.S.C. § 1*, and for her violations of the Minnesota Professional Rules of Conduct 3.3 and 3.4. Plaintiff asserts the following in support of this Motion:

I. BACKGROUND

1. **Notification and Continued Misconduct:** After being notified about the lack of service, Attorney Mansfield has persisted in her harassment of Plaintiff, disregarding fundamental procedural requirements. (*See* email correspondence between Plaintiff and Counsel – EXHIBIT A).
2. **Premature Filings:** Attorney Mansfield after having been notified that Service had NOT been perfected on the Defendant docketed multiple filings prematurely, in an attempt, to intimidate, frustrate, and harass the pro se Plaintiff.

II. LEGAL GROUNDS FOR SANCTIONS

1. **Malicious Prosecution and Harassment:** Attorney Mansfield's continued litigation against Plaintiff without proper service and her persistent harassment constitute malicious prosecution.

2. **Violation of 15 U.S.C. § 1:** Attorney Mansfield's conduct also implicates a violation of *15 U.S.C. § 1*, where her actions unjustly restrain Plaintiff's fair access to justice, paralleling the statute's prohibition against trade restraints.

3. **Violations of Minnesota Professional Rules of Conduct 3.3 and 3.4:**

- a. **Rule 3.3 - Candor Toward the Tribunal:** Attorney Mansfield's failure to disclose to the court the significant fact of non-service on Defendant Wings Credit Union breaches her duty of candor, misleading the tribunal about a fundamental aspect of the case.
- b. **Rule 3.4 - Fairness to Opposing Party and Counsel:** Attorney Mansfield's litigation tactics, aimed at harassment and based on a procedural oversight she failed to rectify, violate her obligations to be fair to Plaintiff. Her conduct undermines the integrity of the adversarial process.

III. REQUESTED RELIEF

Plaintiff respectfully requests the Court to:

- a. Acknowledge Attorney Mansfield's malicious prosecution, violation of 15 U.S.C. § 1, and her breaches of Minnesota Professional Rules of Conduct 3.3 and 3.4.
- b. Impose sanctions on Attorney Mansfield, including compensatory damages for Plaintiff's incurred expenses and any further penalties appropriate to address and deter such professional misconduct in the future.

IV. CONCLUSION

The misconduct of Attorney Mansfield not only adversely affects Plaintiff but also impairs the dignity and integrity of the legal process. Accordingly, Plaintiff urges the Court to grant this *Motion for Sanctions* to affirm the principles of justice and professional responsibility.

Dated: March 13th, 2024

RESPECTFULLY SUBMITTED,

BY: /s/ Preston Byron Knapp
Preston Byron Knapp
Plaintiff, Pro Se
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CERTIFICATE OF SERVICE

I hereby certify that on March 13th, 2024, a copy of the foregoing *Motion to Strike Defendant's Motion to Dismiss* was filed with the Clerk of this Court as is required by Pro Se litigants. Plaintiff further certifies that this Motion was served on all attorneys of record.

Distribution:

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